

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: April 23, 2010]²

Bill No. and sponsor: S. 2068 (Mr. Thomas R. Carper of Delaware).

Proponent name,³ location: Nichino America Inc., Wilmington, DE.

Other bills on product (111th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2011.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

tert-Butyl (E)- α -(1,3-dimethyl-5-phenoxy-pyrazol-4-ylmethyleneamino oxy)-p-toluate (Fenpyroximate)
(CAS No. 134098-61-6) (provided for in subheading 2933.99.22).

Check one: ☐ Same as that in bill as introduced.
☒ Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject product is an insecticide that is used to combat such insects as mealybugs, mites, and psylla. It is used on agricultural products such as citrus fruits, grapes, and cotton. The product is imported from Japan.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2933.99.22:

	2010	2011	2012	2013	2014
					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports ^a	\$5,348,000	\$5,251,000	\$5,498,000	\$5,498,000	\$5,498,000
Customs revenue loss ^b	\$347,620	\$341,315	\$357,370	\$357,370	\$357,370

^a/ Dutiable import estimates were provided by industry sources.

^b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

¹ Industry analyst preparing report: Stephen Wanser (202-205-363); Tariff Affairs contact: David G. Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Nichino America Inc. (Proponent) Ms. Gail Brooks, 302-636-9001 gbrooks@nichino.net	11/20/2009	No	No	No
Arkema Inc. (Atofina) Brian Sowa, 202-467-5459 Brian@strategicmi.com	11/20/2009	No	No	No
BASF Corp. Greg Thies, 202-299-7240 gregory.thies@basf.com	11/20/2009	No	No	No
Bayer CropScience, LLP Jean Reimers, 202-756-3779 jean.reimers@bayercropscience.com	11/20/2009	No	No	No
Chemtura Corporation Matt Mattingley, 202-841-5601 matt@mattingleygroup.com	11/20/2009	No	No	No
CropLife America Doug Nelson, 202-872-3880 dnelson@croplifeamerica.org	11/20/2009	No	No	No
Dow AgroSciences Max Turnipseed, 225-338-0310 mctint@att.net Lisa Schroeter, 202-429-3407 lmschroeter@dow.com	11/20/2009	No	No	No
DuPont Elaine Olsen, 302-992-2263 elaine.m.olsen@usa.dupont.com	11/20/2009	No	No	No
FMC Corp. Jerry Prout, 202-956-5209 jerry.prout@fmc.com Steve Ziehm, 202-872-8181 sziehm@igc.com	11/20/2009	No	No	No
Gowan Company Cindy Baker, 928-819-1554 cbaker@gowanco.com George Rolofson, 336-580-1116 grolofson@triad.rr.com	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Makhteshim Agan of North America, Inc. Scott Rawlins, 443-762-5377 scottr@manainc.com	11/20/2009	No	No	No
Monsanto Corp. Michael Parrish, 202-383-2859 michael.parrish@monsanto.com	11/20/2009	No	No	No
Nufarm Limited Joel R. Junker, 206-621-7878 joel@jrjtradelaw.com emily@jrjtradelaw.com	11/20/2009	No	No	No
Solutia Inc. Kassie Wooton, 314-674-3297 kdwoot@solutia.com Robert Hurley, 202-289-9800 rhurley@theaccordgroup.com	11/20/2009	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084 angus.kelly@syngenta.com	11/20/2009	No	No	No
United Phosphorus Inc. Diane Fago, 610-491-2816 diane.fago@uniphos.com	11/20/2009	No	No	No
Valent USA Corp. Robin Demouth, 925-256-2758 robin.demouth@valent.com	11/20/2009	No	No	No

Technical comments:⁴

The Commission staff suggests that the article description on page 1 of this report be used in the new heading to reflect appropriate chemical nomenclature.

⁴ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

111TH CONGRESS
1ST SESSION

S. 2068

To suspend temporarily the duty on fenpyroximate.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. CARPER introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

To suspend temporarily the duty on fenpyroximate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FENPYROXIMATE.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of
5 the Harmonized Tariff Schedule of the United States is
6 amended by inserting in numerical sequence the following
7 new heading:

“	9902.01.00	Tert-butyl (E)- α -(1,3-dimethyl-5-phenoxy- pyrazol-4-ylmethyleneaminoxy)-p- toluate (Fenpyroximate) (CAS No. 134098–61–6) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2011	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to goods entered, or withdrawn from
3 warehouse for consumption, on or after the 15th day after
4 the date of the enactment of this Act.

